

SENATE JOINT RESOLUTION 47

By Jackson

A RESOLUTION to amend Article XI of the Constitution of the State of Tennessee to establish a minimum wage for certain persons employed within this state.

WHEREAS, the federal minimum wage is established and regulated pursuant to the Fair Labor Standards Act of 1938 (FLSA); and

WHEREAS, the FLSA requires the federal minimum wage to be paid to employees of enterprises annually doing \$500,000 or more in business; and to employees of smaller enterprises engaging in interstate commerce or producing goods for interstate commerce; and also to employees of federal, state and local government agencies; and

WHEREAS, the FLSA authorizes states to individually enact their own minimum wage laws and, whenever any such state law conflicts with the federal minimum wage, the higher rate must be paid; and

WHEREAS, according to the United States Department of Labor, only five states, including Tennessee, have failed to enact their own state minimum wage laws; and

WHEREAS, forty-four states have now adopted laws that equal or exceed the federal minimum wage rate; and

WHEREAS, since its inception some fifty-nine years ago, the federal minimum wage has been adjusted nineteen times: an average of one adjustment approximately every three years; and

WHEREAS, almost ten years have elapsed since the United States Congress last adjusted the federal minimum wage rate: the longest period without an increase in the entire history of the FSLA; and

WHEREAS, the real purchasing power of the federal minimum wage has declined by twenty percent during the past ten years: a harsh reality for many of Tennessee's hard-working poor and near-poor hourly wage earners and their families; and

WHEREAS, according to the Bureau of Labor Statistics, during that same ten-year period the cost of food has risen over twenty-six percent, housing over twenty-nine percent, medical care over forty-three percent, child care over fifty-two percent, and gasoline over one hundred thirty percent; and

WHEREAS, inflation along with congressional insensitivity and inaction have combined to drive the real value of the federal minimum wage to its lowest level since 1955; and

WHEREAS, during 2006, Arkansas, Maryland, Michigan, North Carolina, Pennsylvania, Maine, Delaware and Rhode Island established minimum wage rates above the federal minimum: and

WHEREAS, a total of twenty-eight states have now adopted minimum wage rates at levels above the federal level, including Missouri, Illinois, Ohio, West Virginia, Florida, Colorado, Arizona, Nevada and Montana; and

WHEREAS, Tennesseans should be afforded the opportunity, at the ballot box, to formally express their collective values, measure of compassion and political will regarding these moral and ethical issues that are so critically important to the state's working poor and near-poor hourly wage earners and their families; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that Article XI of the Constitution of the State of Tennessee be amended by adding the following language as a new, appropriately designated section:

Section __. There shall be a minimum wage for persons employed within this state, and the amount and applicability thereof shall be not less than the federal minimum wage. However, the General Assembly is authorized to increase the amount or expand the applicability of the minimum wage required for persons employed within this state.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Sixth General Assembly and that this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the Senate is directed to deliver a copy of this resolution to the Secretary of State.